

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RON FOX,

Case No. 05-CV-73510-DT

Plaintiff,

Hon. Gerald E. Rosen

vs.

BAY CITY, et al.,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION GRANTING, IN PART, AND DENYING,
IN PART, DEFENDANTS' MOTION TO TAX COSTS, AND ORDER TAXING COSTS**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on May 9, 2007

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This matter having come before the Court on the December 5, 2006 Report and Recommendation of United States Magistrate Mona K. Majzoub recommending that the Court grant in part and deny in part Defendants' Motion to Tax Costs; and timely objections having been filed; and the Court having reviewed the Magistrate Judge's Report and Recommendation, and Defendants' Objections to the Report and Recommendation, and the Court's file of this action and having concluded that, for the reasons stated in the Report and Recommendation, Defendants' Motion to Tax Costs should be granted, in part, and denied, in part, as recommended by the Magistrate Judge; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report

and Recommendation of December 5, 2006 be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendants' Motion to Tax Costs be, and hereby is, GRANTED, IN PART, AND DENIED, IN PART, as follows:

IT IS ORDERED that Plaintiff shall pay to Defendants' attorney, the Attorney General of the State of Michigan, taxable costs in the amount of \$6.00.

If Plaintiff is unable to pay the full amount at present, Plaintiff shall make an initial payment of costs equal to twenty-percent of the greater of (A) the average monthly deposits to the prisoner's account, or (B) the average monthly balance in the prisoner's account over a six month period. See 28 U.S.C. § 1915(a)(2), (f)(2)(B). This amount is immediately payable to the Michigan Attorney General's Office. The remainder is to be paid to the Michigan Attorney General's Office by withdrawing twenty percent (20%) of the monthly income credited to Plaintiff's account until paid in full. See 28 U.S.C. § 1915(a)(2).

IT IS FURTHER ORDERED that Defendants' Motion to Tax Costs as to the \$5.00 fee "on motion for judgment" is DENIED.

IT IS FURTHER ORDERED that Defendants' Motion to Tax Costs as to the \$20.00 docketing fee is DENIED, WITHOUT PREJUDICE.

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: May 9, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 9, 2007, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager